

## REMARKS

Claims 1-5, 7-10, 12-13, and 21-30 remain pending in the application including independent claims 1 and 9. Non-elected method claims 14-20 have been cancelled. Claims 6 and 11 have also been cancelled.

Claims 9-13 and 23-30 are allowed. On the cover sheet, the examiner indicates that claims 7 and 8 are objected to, but in the Allowable Subject Matter portion of the present office action, the examiner indicates that claims 8 and 9 would be allowable if rewritten in independent form. As claim 9 is already allowed, and as claim 7 does not stand rejected under prior art, applicant assumes that claims 7 and 8 would be allowable if rewritten in independent form. Applicant requests clarification of the status of claim 7.

Figure 2A has been revised in response to the drawing objection. A Replacement Sheet is attached hereto. The abstract has again been amended in response to the objection to the specification. Applicant respectfully asserts that the Abstract includes proper content. Claim 7 has been amended to overcome the identified objection.

Claims 2, 3, 21, and 22 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Claim 21 has been amended in response to the examiner's rejection. The examiner did not provide any specific rejection regarding claim 22, which depends directly from claim 1, thus applicant asserts that claim 22 in its present form is definite.

With regard to claims 2 and 3 the examiner argues that the metes and bounds of the claims are unclear. Applicant respectfully disagrees. Claim 2 further defines the components that form the laser weld joint. Claim 3 further specifies the predetermined pressure at the abutting engagement as a result of the first and second taper lock surfaces cooperating with each other to force the first and second laser weld surfaces into abutting engagement. Neither of these claims is indefinite and both of the claims further define the invention set forth in claim 1. Thus, applicant requests that all 35 U.S.C. 112 rejections be withdrawn.

Claims 1, 2, 4, 5 and 21 stand rejected under 35 U.S.C. 102(b) as being anticipated by JP 2001-105500 (JP '500). Claim 1 that the first and second taper lock surfaces lock the first and second tapered weld surfaces together and maintain the predetermined pressure during laser welding. There is no disclosure in the abstract of JP '500 of such a claimed feature. This feature certainly cannot be ascertained from the drawings alone, and applicant repeats the previous request that the examiner obtain a translation of the reference.

The examiner argues that a translation is not needed because the abstract makes clear that the tapered surfaces are welded and therefore locked together. Applicant respectfully asserts that there is no disclosure in the abstract that the *taper lock surfaces* lock the weld surfaces together during welding as claimed. There is no mention or description of taper lock surfaces in the abstract. A translation is needed to better understand the teachings of the reference.

The features of claims 2 and 5 are also not discernible from the abstract alone. There is no teaching of air induction components that are mountable to a vehicle engine in the abstract. Further, there is certainly no disclosure in the abstract that at least one of the first and second taper lock surfaces defines a taper angle of at least thirty degrees. Figure 6, which the examiner relies upon for anticipation of the claims, does not indicate any type of requirements for angular relationships. Further, as known, patent drawings are not drawn to scale and cannot be relied upon to disclose such a claimed feature. A translation of the document would definitely provide further insight for these claimed features.

With regard to claim 21 the examiner simply states that the component portion extends to a distal tip spaced apart from the second component portion. Applicant disagrees. The examiner does not identify where this feature is shown in the drawings. Figure 6, which the examiner relies upon for anticipation of these claims, clearly does not include a gap as defined in claim 21. Thus, JP '500 cannot anticipate claim 21. **If the examiner continues to uphold this rejection, applicant respectfully requests that the examiner identify where in JP '500 the claimed gap is disclosed.**

Claims 1, 2, 5, 21, and 22 stand rejected under 35 U.S.C. 102(b) as being anticipated by Behymer (US 4819309). The examiner argues that Behymer discloses a laser weld joint with first and second laser weld surfaces. Applicant disagrees. Behymer is directed to a fastener and has nothing to do with any type of welding, let alone laser welding. The word "weld" does not appear anywhere in Behymer. Also, the word "laser" does not appear anywhere in Behymer. As such, Behymer cannot anticipate claims 1, 2, 5, 21, or 22. **If the examiner continues to uphold this rejection, applicant respectfully requests that the examiner identify the relevant portions of Behymer that discuss laser welding.**

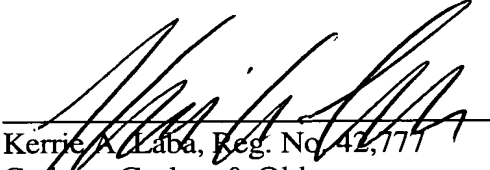
Claim 3 stands rejected under 35 U.S.C 103(a) as being unpatentable over JP '500 in view of Akiyama. Claim 3 recites that the predetermined pressure is at least 190 psi. The examiner argues that JP '500 fails to disclose a predetermined pressure but argues that

Akiyama discloses such a pressure. However, the Akiyama fails to specify the pressure level specified in claim 3. The examiner argues that discovering an optimum value is routine skill in the art and that it would be obvious to modify JP '500 to do so. Applicant disagrees.

JP '500 could very well teach away from using pressure levels of at least 190 psi, however, we cannot ascertain this unless we have a translation of JP '500. If JP '500 does teach away from using such a pressure level, then there would be no motivation or suggestion to modify JP '500 in the manner proposed by the examiner. The examiner cannot merely assume that pressure levels of 190 psi would be appropriate for the components of JP '500. As such, applicant again respectfully requests that the examiner obtain a translation of the reference so that the teachings of the reference can clearly be understood without applicant or examiner having to guess. If the 35 U.S.C. 103(a) rejection is upheld, Applicant respectfully requests that the examiner obtain a translation of JP7103316 so that Applicant and examiner can more clearly understand the teachings of JP7103316 "... [O]btaining translations is the responsibility of the examiner. A review by the examiner and applicant of translations of the prior art relied upon in support of the examiner's rejection may supply additional relevant evidence on issues of anticipation and obviousness . . . and may eliminate the need for an appeal." Ex parte Gavin, 62 USPQ2d 1680, 1684 (U.S. Patent and Trademark Office Board of Patent Appeals and Interferences, 2001.

Applicant respectfully asserts that all claims are now in condition for allowance and requests an indication of such. Applicant believes that no additional fees are due; however, the Commissioner is authorized to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds for any additional fees.

Respectfully submitted,

  
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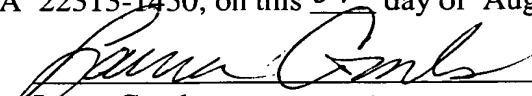
Dated: August 21, 2006



2002P16242US01; 60,427-605

CERTIFICATE OF MAIL

I hereby certify that the enclosed Response is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 21<sup>st</sup> day of August, 2006.

  
Laura Combs